

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.4028 OF 1991

Bank of Maharashtra. ..Plaintiffs.

V/s.

Prithviraj Ratanchand Mehta & Anr. ..Defendants.

Ms.Anjali Risbud for Plaintiffs.

Mr.Neeta Jain for Defendant No.1.

Mr.G.K.Masand for Defendant No.2.

Mr.Prithviraj Mehta-defendant No.1 in person present.

CORAM: A.M.KHANWILKAR,J

DATE : SEPTEMBER 10, 2007.

P.C. :

1. The Defendant No.1 is personally present in the Court. He has been identified by Ms.Neeta Jain, who is tendering Vakalatnama in the Court on his behalf. The Advocate undertakes to remove all office objections in view of the Vakalatnama tendered across the bar. The Defendant No.1 has entered dock and states that he has no intention to contest the proceeding. He in fact, admits the suit claim and his liability to pay the suit claim amount to the Plaintiffs. The Defendant No.1 was explained about consequences of such admission and inviting decree. He submits that he is willing to make that statement voluntarily, as it is after full deliberation with

his advocate. In other words, the Defendant No.1 is inviting decree in relation to the Suit claim. Accordingly, in so far as the Defendant No.1 is concerned, on his request, Suit is decreed against him in terms of prayer clause (a) which reads thus:

"(a) that defendant No.1 be ordered and decreed to pay to the Plaintiff a sum of Rs.74,287/- with further interest on Rs.50,000/- at the rate of 18% p.a. from the date of the filing of the suit till payment."

2. Decree be prepared on the above terms against the Defendant No.1 and proceeded expeditiously. Ordered accordingly.

3. In so far as the Defendant No.2 is concerned, the Suit is already decreed against him in terms of prayer clause (b) by Judgment and Decree dated December 13, 1993. There is nothing on record to show that the said Decree has been set aside. In the circumstances, no further orders are necessary against Defendant No.2.

4. The Suit is accordingly, disposed of on the above terms. Papers be consigned to record.

(A.M.KHANWILKAR,J)